(3) It is a confidential paper.

(4) Government do not consider that any public purpose will be served by complying with the request.

Dr. A. G. Menon.—Of course, since the papers are said to be confidential, I have no supplementary question to ask.

141. Mr. C. A. Kunjunni Raja.—Will the Government be pleased to furnish:—

(a) copies of remarks written on 20th Thulam 1102 in the Visitors' book in the Kuriarkutti Dispensary;

(b) copy of the Memo C. No. 967/1102 of the Chief Medical and Sanitary Officer in connection with Ref. 77/1102 of the Kuriarkutti Dispensary;

(c) copy of the Memo issued to Dr. A. R. Menon by the Sub-Assistant Surgeon, Kuriarkutti, in connection with the same matter;

(d) copy of the Proceedings of the action taken by the Government in the matter;

(e) a list of the Government Medical Institutions visited by the present Chief Medical and Sanitary Officer ever since he assumed charge of the office, and the dates of the various visits to each of the institutions, and the amount of T. A. drawn on each occasion;

(f) a list of the medical institutions not visited hitherto by him?

Diwan Bahadur Dr. V. Verghese.—(a) Vide answer to question No. 140 (1).

(b) Vide answer to question No. 140. (2).

(c) The Sub-Assistant Surgeon did not issue a Memo to Dr. A. R. Menon. A copy of his letter to Dr. A. R. Menon is appended. (*Vide Appendix II.*)

(d) Vide answer to question No. 140 (4).

(e) Vide statement appended .(*Vide Appendix III.*) Separation of T. A. in regard to visits to medical institutions and inspection of sanitary works being not feasible, T. A. for each month has been given.

(f) Kuriarkutti Dispensary.

Mr. C. A. Kunjunni Raja.—Being a confidential matter, I am not going to ask supplementary questions.

142. Mr. A. B. Salem.—Will the Government be pleased to inform:—

(a) whether Dr. A. R. Menon visited the Kuriarkutti Hospital or Dispensary;

(b) if so, when;

(c) whether the visit was as a Member of this Council to is charge a public duty or whether it was as a private party;

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(d) whether he put down remarks in the Hospital Visitors' book and signed the same as a Member of this Council;

(e) for whose benefit is the Visitors' book maintained and kept in the Hospitals of the State;

(f) are the remarks made in the Visitors' Book communicated to Government; and if so, whether there are any rules laid down with reference to the despatch of the remarks to the Diwan of Cochin;

(g) has the Government investigated the question; and if so, whether they will be pleased to inform what proper steps they have taken in the matter of the remarks and the characterisation of them by the Head of the Department concerned;

(h) is there any difference made between the remarks of official and non-official visitors in dealing with them;

(i) will the Government be pleased to state whether they have allowed any one under them, who has been criticised to sit in judgment over the criticisms levelled against him in the past; and if so, whether they are prepared to put an end to such practice or whether they are for continuing such practice;

(j) has the Government authorised the Heads of Departments to review visitors' remarks and communicate memos to visitors?

Diwan Bahadur Dr. V. Verghese.—(a) Yes.

(b) On 5th November 1926.

(c) The Government have no information.

(d) Yes.

(e) Vide answer to question No. 137 (a). The Visitors' book is not kept for the benefit of any one in particular.

(f) Yes, according to the discretion of the Chief Medical and Sanitary Officer. There are no specific rules on the subject.

(g) None was considered necessary.

(h) No.

(i) The question is not understood.

(j) No. No authorisation is necessary. No Memo has been served on visitors.

Mr. A. B. Salem.—In answer to sub-division (e) the word "competent" is used. I ask whether the word "competent" means that the party making the remark should possess special knowlege—technical knowledge?

Diwan Bahadur Dr. V. Verghese.—No, no.

Mr. A. B. Salem.—I am quite satisfied. Then, why is it not kept open to any one?

Diwan Bahadur Dr. V. Verghese.—I have already stated it first.

President.—You stated "any one in particular"; that means 'general".

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Mr. A. B. Salem.—I only asked for whose benefit is the 'Visitors' book maintained and kept in the Hospitals of the State. The answer is 'Visitors' books are maintained inpublic institutions to record the visits and also any remarks that any visitor may be competent to make." I did not ask that question; that means that anybody can make the remarks. Then, I ask for whose benefit is the Visitors' books maintained, and the answer is any Visitor. So that would come to mean the public.

President.—For the general public.

Mr. A. B. Salem.—Not Government, I suppose.

President.—"General public" includes "Government" also.

Mr. A. B. Salem.—The questions are specific, and the answers are evasive.

President.—Is it not for the benefit of the Government also?

Mr. A. B. Salem.—I am quite satisfied with the answer, Sir. Then, coming to sub-division (f), the answer is, " Yes, according to the discretion of the Chief Medical and Sanitary Officer." I do not understand what is the qualification. Then the first part of the question-"whether they are communicated to Government" is not answered.

President.—The answer for the sub-division is given there. It is open to him. He is not invariably bound to send all the remarks. He makes note of such and such remarks worthy of being communicated to the Government and send them. He has got a discretion in that matter.

Mr. A. B. Salem.—That is why I am asking whether there is any Rule or Standing Order to direct the use of that discretion, or is there anything to say that, if it is not agreeable, he may not send it to Government.

President.—There are no rules on the subject.

Mr. A. B. Salem.—Is it judicial discretion or simple whim?

President.—Discretion to be exercised in a sound and proper way.

Mr. A. B. Salem.—I perfectly agree with the meaning attached to the word.

Diwan Bahadur Dr. V. Verghese.—"Discretion" and "whim" have separate meanings of their own. Discretion is to be exercised in a sound and proper way and not to be used arbitrarily.

Mr. A. B. Salem.—"Discretion, as far as lawyers are concerned, means" "judicial discretion", "Discretion" and "whim" are not identical.

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President.—Then, what is the use of asking the meaning of that word ?

Mr. A. B. Salem.—What is meant by the word "discretion" is "I will send it" or "not send it". There is nothing here to guide us. There are no specific rules of this kind.

President.—"Discretion" is not an expression peculiar to law.

Mr. A. B. Salem.—There is nothing in the rules to use discretion in the departments, and also nothing to guide us here.

President.—I think it means " reasonable exercise of power ".

Mr. A. B. Salem.—'Discretion' means 'discretion which must be exercised judicially'.

President.—What is the meaning of the expression 'judicial discretion' ? I think it means 'not arbitrarily'.

Mr. A. B. Salem.—The discretion should not be arbitrary. It was a promise made in this House that proper steps would be taken on the characterisation of the remarks of Dr. A. R. Menon. But now, the Government says 'none was considered necessary'. Was there any suggestion regarding the taking of proper steps ? That was a promise made in this House, Sir. Promise was made that Government will take proper steps in this matter. I want to know what steps they have taken?

President.—Is this confidential ?

Diwan Bahadur Dr. V. Verghese.—Government called for reports and explanations in the matter, and these are kept confidential.

Mr. A. B. Salem.—May I know, if the report is confidential, and also the circular which is to have effect until further orders?

President.—The papers should not be published, as they are confidential.

Diwan Bahadur Dr. V. Verghese.—In answer to a previous question, it was said that these papers are confidential.

Mr. A. B. Salem.—But my question is answered separately. The answer is " none was considered necessary ".

Diwan Bahadur Dr. V. Verghese.—There it is, answer to question No. 140, sub-division (4).

Mr. A. B. Salem.—But you have not referred me to any answer. I ask the question whether a report has been called for, and the report has been submitted, and whether that report is confidential.

Diwan Bahadur Dr. V. Verghese.—Yes, it is in my reply to the previous question. The Member ought to have understood it.

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President.—These questions were only put just now. Dr. A. G. Menon did not ask further questions, because the Government said that these papers are confidential, and Mr. C. A. Kunjunni Raja also did not put any supplementary questions for the same reason.

Mr. A. B. Salem.—If I were also told that, I would have stopped there.

President.—I don't know, if it relates to the same matter.

Mr. A. B. Salem.—My question is "what proper steps they have taken in the matter of the remarks and the characterisation of them by the Head of the Department." The answer given to me is "none was considered necessary". I ask whether the Government had any report in the matter. The answer is "Yes". I further ask whether the report is confidential.

Diwan Bahadur Dr. V. Verghese.—The question has already been answered by the Government.

"Government do not consider that any public purpose will be served by complying with the request".

Mr. A. B Salem.—The difficulty is that it is not in the answer to my question. You could have referred me to that answer. And then what?

Diwan Bahadur Dr. V. Verghese.—No; investigation was considered necessary.

Mr. A. B. Salem.—Then why this report? The question asked is "has the Government investigated the question," and the reply is "no investigation was considered necessary". Then how is it that there is a report, if there was no investigation?

Diwan Bahadur Dr. V. Verghese.—Beg your pardon.

President.—I shall explain. Please turn your eyes to question No. 142 (g). "Has the Government investigated the matter, etc.", and the answer to it is "none was considered necessary". That will show that none was made. Then the question asked is "why was the Chief Medical Officer asked to submit a report." Such a report will arise only in connection with investigation.

Diwan Bahadur Dr. V. Verghese.—I don't know about investigations and reports. Investigation was necessary; nothing further had to be done.

President.—The Doctor wants to refer to two distinct stages, namely, first of all, there is a matter brought to the notice of the Government. The Chief Medical Officer is referred to this. He submits a report, and from this report it is found that no further investigation is necessary. But if you consider this first stage as also part of the investigation, we will not be right in saying that no investigation was considered necessary. But the Doctor thinks that investigation properly begins only after the report has been received.

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Mr. A. B. Salem.—I shall explain myself. Sir, my question is not to the Chief Medical Officer; it is to the Government, whether he has submitted a report to the Government. In regard to that part of the question, he has confused the answer. I ask the Government, after the promise that it will take proper steps, what investigations were made. The report was already before the Government. From that stage, what further action was taken? His reply is "none was considered necessary". Obviously, he refers to the previous stage.

Diwan Bahadur Dr. V. Verghese.—Sir, the Hon'ble Member is confused.

President.—After the receipt of the report, no investigation was made.

Diwan Bahadur Dr. V. Verghese.—After the receipt of the report, Government again asked the Head of the Department for further explanations of various kinds. They made themselves clear on the point. They found out from all the relevant facts that no further investigation was necessary.

Mr. A. B. Salem.—Then this answer is incorrect.

President.—You can take it to be so.

Mr. A. B. Salem.—Sub-division (e). The answer is "The question is not understood." Is it not English?

Diwan Bahadur Dr. V. Verghese.—It is a conundrum, Sir.

Mr. A. B. Salem.—If it is a conundrum, why was it then admitted? I am very glad to hear that it is a conundrum to the Chief Medical and Sanitary Officer. I refer to answer to (1). There is no conundrum there. The answer ought to be 'yes' or 'no'. The question is as clear as a flying star.

Diwan Bahadur Dr. V. Verghese.—He asks, if the Government have allowed any one under them who has been criticised to sit in judgment over the criticisms levelled against him in the past, how many such there are under the Government, etc. I say it is a conundrum. If this is not a conundrum, then what is a conundrum?

Mr. A. B. Salem.—What is the word that is not understood there?

President.—You put a question which was taken to be a conundrum or whatever it is. It was not understood. That is what the Government says. From your point of view it may not be so.

Mr. A. B. Salem.—Is it the Government Secretary or the Chief Medical and Sanitary Officer that did not understand it? Who is it that answers for the Government?

President.—The Government have not understood it.

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Mr. A. B. Salem.—Did not the President understand it when it was admitted? A question that is not understood by the President should not be allowed.

President.—You are critisising the ruling of the President. Of course, the President has allowed. But the Government have taken a different view in the matter.

Mr. A. B. Salem.—That is exactly what I am saying. They are critisising the President's action. If the Government have not understood it, they ought to have referred it back to the President or to somebody, who can understand it.

President.— They did not consider it necessary to do so.

Mr. A. B. Salem.—The answer to (j) is "no Memo has been served on the visitor." How can they say so, when there is a clear case that a Memo has been served on Dr. A. R. Menon by the Sub-Assistant Surgeon. If it is not a Memo, what is it then?

Diwan Bahadur Dr. V. Verghese.—No Memo was served on Dr. A. R. Menon. It was a copy of the Memo to the Sub-Assistant Surgeon that was served, and this was sent to him with a covering letter. Of course the Appendix gives it.

President.—The Memo was to the Sub-Assistant Surgeon of the Kuriarkutti Dispensary, and it was a copy of the Memo that was served with a covering letter.

Mr. A. B. Salem.—Here is a copy of the Memo sent to Dr. A. R. Menon. The Sub-Assistant Surgeon had directions to forward it to Dr. A. R. Menon.

Diwan Bahadur Dr. V. Verghese.—I again repeat it was a copy of the Memo sent to the Sub-Assistant Surgeon that was communicated to the Member. How can the Member say that a copy of the Memo was served on the Member?

Mr. A. B. Salem.—Sending a copy of the Memo is the same as sending the Memo itself. The Chief Medical Officer ordered the Memo to be sent to the visitor concerned. If we cannot understand this, we cannot understand English.

Diwan Bahadur Dr. V. Verghese.—No. You cannot understand.

Mr. N. Padmanabha Menon.—Can a Member cast a reflection on another Member? Please ask the Member to withdraw it.

Diwan Bahadur Dr. V. Verghese.—The Member himself said that he could not understand English.

Mr. A. B Salem.—Of course, I can say that I cannot understand English. I can say that. I can cast a reflection on myself.

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President.—But Dr. Verghese, you do not mean any reflection?

Diwan Bahadur Dr. V. Verghese.—No Sir, I do not mean any reflection.

President.—Now, you are satisfied. Shall we pass on to the next question?

Mr. A. B. Salem.—But my question is not answered. How can it be said that a Memo has not been served, when one has actually been served?

President.—The difficulty in all these matters is this. You want a particular answer to be given to a question. But that particular answer will not be given. What are we to do? As I told you, the answers are beautifully evasive.

Mr. A. B. Salem.—Apart from that, the answer given is in direct contradiction to facts.

President.—It is not a contradiction, if it is understood in the way in which the official Member wants it to be understood. It may be that you are not satisfied with the answer. He issued a Memo to the Sub-Assistant Surgeon of the Kuriarkutti Dispensary. You must know that a Memo is always an order. We can understand a Memo being sent by the Head of a Department to one of his subordinates and not to a private person. Of course, the Sub-Assistant Surgeon might have been directed to send a copy of the Memo; otherwise he would not have sent it. From this you cannot say that a Memo was sent to Dr. A. R. Menon. It was forwarded with a covering letter. To send a copy of the Memo with a covering letter is not serving a memo.

Mr. A. B. Salem.—"Copy to be forwarded" it is said. Instead of the Chief Medical Officer sending it to Dr. A. R. Menon, he sent it to the Sub-Assistant Surgeon, who, in his turn, sent it by his peon. That is all.

President.—That is, it is a piece of information which was ordered to be conveyed to Dr. A. R. Menon. It was not an order but only a piece of information. A copy of the Memo was sent to Dr. A. R. Menon through the medium of the Sub-Assistant Surgeon.

Mr. A. B. Salem.—That is the fact, and you say that no Memo has been served I don't know how that can be reconciled with facts.

President.—That is to say, in the specific sense it was not a Memo. It was an intimation conveying the orders of the Chief Medical Officer.

The expenditure incurred by Government under certain heads.

143. Mr. C. A. Kunjunni Raja.—Will the Government be pleased to state each of the various heads and the amount of

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